

Company Name _____

EPA ID# No. _____

Region/Inspector _____

Inspection Date _____

Indicate:

X Violations

Indicate:

X Satisfactory
NA Not Applicable

APPENDIX B

Land Disposal Restrictions

(For TSD facilities that treat and/or dispose of hazardous waste)

I. Surface Impoundment Treatment - 376.1(d) YES NO

Does the owner or operator treat* wastes which are prohibited from land disposal in a surface impoundment or series of surface impoundments? - 376.1(d)(1). _____

* **The evaporation of hazardous constituents as the principal means of treatment in surface impoundment is not considered to be treatment for the purposes of this exemption.**

Describe the waste(s) treated.

A. _____ Treatment of the prohibited wastes occurs in the impoundments - 376.1(d)(1)(i). _____

B. _____ The following conditions have been met: 376.1(d)(1)(ii). _____

1. _____ The residues from treatment are analyzed to determine if they meet the applicable treatment standards or prohibition levels - 376.1(d)(1)(ii)(a). _____

2. _____ The sampling method, specified in the waste analysis plan, is designed so that representative samples of the sludge and supernatant are tested separately - 376.1(d)(1)(ii)(a). _____

3. _____ The following treatment residues (including any liquid) are removed at least annually * - 376.1(d)(1)(ii)(b). _____

(a) Residues which do not meet the treatment standards promulgated under 376.4.

- (b) Residues which meet or exceed the prohibition levels established under 376.3 or imposed by statute.
- (c) Residues which are from the treatment of wastes prohibited from land disposal under 376.3.
- (d) Residues from managing listed wastes which are not delisted under 370.3(c).

* **If the volume of liquid flowing through the impoundment or series of impoundments annually is greater than the volume of the impoundment or impoundments, this flow through constitutes removal of the supernatant.**

- 4. ___ Treatment residues have not been placed in any other surface impoundment for subsequent management after original placement - 376.1(d)(1)(ii)(c). ___
- 5. ___ The procedures and schedule for the sampling of impoundment contents, the analysis of test data, and the annual removal of land disposal restricted residues has been specified in the facility's waste analysis plan - 376.1(d)(1)(ii)(d). ___
- C. ___ Unless exempted or granted a waiver, the impoundment meets the design requirements of 373-2.11(b)(3), 373-3.11(i)(1) and is in compliance with applicable groundwater monitoring requirements - 376.1(d)(1)(iii). ___
- D. ___ The owner or operator has sent a written certification and a copy of the waste analysis plan to the Commissioner - 376.1(d)(1)(iv). ___

II. Waste Analysis and Recordkeeping - 376.1(g)

- A. ___ The treatment facility has tested its waste in accordance with the frequency determined by the Commissioner and based on the criteria included in 373-2.2(e) or 373-3.2(d) - 376.1(g)(2). ___
 - 1. ___ For wastes with treatment standards expressed as concentrations in the waste extract (TCLP), the owner or operator has tested the treatment residues, or an extract of such residues developed using the test method 1311 (TCLP), to assure that they meet the applicable treatment standards - 376.1(g)(2)(i). ___
 - 2. ___ For wastes with treatment standards expressed as concentrations in the waste, the owner or operator has tested the treatment residues (not an extract) to assure that the treatment residues meet the applicable treatment standards - 376.1(g)(2)(ii). ___
 - 3. ___ The treatment facility has sent a one-time notice with the initial shipment of waste to the land disposal facility and placed a copy in the file. The one-time notice ___

includes these requirements: - 376.1(g)(2)(iii).
[No further notification is necessary unless the waste
or receiving facility change - 376.1(g)(2)(iii)(a).]

- (1) ___ EPA Hazardous waste number _____
- (2) ___ Manifest document number _____
- (3) ___ The waste is subject to the LDRs. The _____
constituents of concern for F001-F005, and F039,
and underlying hazardous constituents in
characteristic wastes (for wastes that are not
managed in a Clean Water Act (CWA) or CWA-equivalent
facility), unless the waste will be treated and
monitored for all constituents. If all constituents
will be treated and monitored, there is no need to
put them all on the LDR notice.
- (4) ___ The notice must include the applicable wastewater/ _____
nonwastewater category (see 376.1(b)(1)(iv) and
(vi)) and subdivisions made within a waste code
based on waste-specific criteria (such as D003
reactive cyanide).
- (5) ___ Waste analysis data (when available) _____
- (6) ___ A certification statement is needed (see _____
applicable section for exact wording).

B. ___ The treatment facility must submit a one-time certification _____
signed by an authorized representative with the initial
shipment of waste or treatment residue of a restricted waste
to the land disposal facility. The certification must state:
376.1(g)(2)(iv).

"I certify under penalty of law that I have personally examined and
am familiar with the treatment technology and operation of
the treatment process used to support this certification.
Based on my inquiry of those individuals immediately responsible for
obtaining this information, I believe that the treatment process has
been operated and maintained properly so as to
comply with the treatment standards specified in 6 NYCRR subdivision
376.4(a) without impermissible dilution of the prohibited waste. I
am aware there are significant penalties
for submitting a false certification, including the possibility
of fine and imprisonment."

- 1. ___ A copy of the certification must be placed in the _____
treatment facility's on-site files. If the waste or
treatment residue changes, or the receiving facility
changes, a new certification must be sent to the
receiving facility, and a copy placed in the file -
376.1(g)(2)(iv)(a).
- 2. ___ Debris excluded from the definition of hazardous _____
waste under paragraph 371.1(d)(5) of this Title (i.e.,

debris treated by an extraction or destruction technology provided by Table 1, subdivision 376.4(g) and the debris that the commissioner has determined does not contain hazardous waste), however, is subject to the notification and certification requirements of paragraph (4) of this subdivision rather than the certification requirements of this subparagraph - 376.1(g)(2)(iv)(b).

3. ___ For wastes with organic constituents having treatment ___ standards expressed as concentration levels, if compliance with the treatment standards is based in whole or in part on the analytical detection limit alternative specified in paragraph 376.4(a)(4), the certification, signed by an authorized representative, must state the following: 376.1(g)(2)(iv)(c).

"I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification. Based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the nonwastewater organic constituents have been treated by combustion units as specified in subdivision 376.4(c), Table 1. I have been unable to detect the nonwastewater organic constituents, despite having used best good faith efforts to analyze for such constituents. I am aware there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment."

III. Restricted Wastes Shipped from one TSD to Another - 376.1(g)(2)(vi)

- A. ___ If the waste or treatment residue will be further managed ___ at a different treatment, storage or disposal facility, the treatment, storage or disposal facility sending the waste or treatment residue off-site has complied with the notice and certification requirements that apply to generators (Complete Appendix A) - 376.1(g)(2)(vi).

IV. Recyclable Materials Used in a Manner Constituting Disposal - 376.1(g)(2)(vii)

- A. ___ Where the wastes are recyclable materials used in a manner ___ constituting disposal subject to the provisions of paragraph 374-1.3(a)(2) of this Title regarding treatment standards and prohibition levels, the owner or operator of a treatment facility (i.e., the recycler) is not required to notify the receiving facility, with each shipment of such wastes the owner or operator of the recycling facility has submitted a certification as described in 376.1(g)(2)(iv) [Complete Item II.B.] and a notice containing the information in 376.1(g)(2)(iii) [Complete Item II.B.]. The recycling facility has kept records of the name and location of each entity receiving the waste derived product - 376.1(g)(2)(vii).

V. Requirements for Land Disposal Facilities - 376.1(g)(3)

- ___ Except for the disposal of any waste that is a recyclable material used in a manner constituting disposal (374-1.3(a)(2)), the owner or operator of any land disposal facility disposing of any restricted wastes has: - 376.1(g)(3). ___
- A. ___ Copies of the required notices and certifications - 376.1(g)(3)(i). ___
- B. ___ Tested the waste, or an extract of the waste or treatment residue using Test Method 1311 (TCLP) to assure they are in compliance with the applicable treatment standards - 376.1(g)(3)(ii). ___
- C. ___ Testing has been performed according to the frequency specified in the waste analysis plan - 376.1(g)(3)(ii). ___

VI. Hazardous Debris - 376.1(g)(4)
Complete Appendix A, Item II.I.

VII. Treatment Standards - 376.4

- A. ___ A prohibited waste identified in the table "Treatment Standards for Hazardous Wastes" was land disposed only after meeting requirements found in the table. For each waste, the table identifies one of three types of treatment standard requirements: - 376.4(a)(1). ___
1. ___ All hazardous constituents in the waste or in the treatment residue must be at or below the values found in the table for that waste ("total waste standards"); or - 376.4(a)(1)(i). ___
2. ___ The hazardous constituents in the extract of the waste or in the extract of the treatment residue must be at or below the values found in the table ("waste extract standards"); or - 376.4(a)(i)(ii). ___
3. ___ The waste must be treated using the technology specified in the table ("technology standard"), which are described in detail in subdivision 376.4(c) of this section, Table 1- Technology Codes and Description of Technology-Based Standards - 376.4(a)(1)(iii). ___
- B. ___ For wastewaters, compliance with concentration level standards is based on maximums for any one day, except for D004 through D011 wastes for which the previously promulgated treatment standards based on grab samples remain in effect. For all nonwastewaters, compliance with concentration level standards is based on grab sampling. For wastes covered by the waste extract standards, the test Method 1311, the Toxicity Characteristic Leaching Procedure found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA Publication SW-846, as incorporated by reference in subdivision 370.1(e) of this Title, must be used to measure compliance. An exception is made for D004 ___

and D008, for which either of two test methods may be used: Method 1311, or Method 1310, the Extraction Procedure Toxicity Test. For wastes covered by a technology standard, the wastes may be land disposed after being treated using that specified technology or an equivalent treatment technology approved by the commissioner under the procedures set forth in paragraph 376.4(c)(2) of this section - 376.4(a)(2).

- C. ___ For wastes with differing treatment standards for a ___ constituent of concern that are combined for treatment purposes, the treatment residue meets the lowest treatment standard for the constituent of concern - 376.4(a)(3).
- D. ___ The TSD has demonstrated (and certified pursuant to ___ 376.1(g)(2)(iv)) compliance with the treatment standards for organic constituents specified by a footnote in the table "Treatment Standards for Hazardous Wastes" and met the following conditions: - 376.4(a)(4).
 - 1. ___ The treatment standards for the organic constituents were ___ established based on incineration in units operated in accordance with the technical requirements of section 373-2.15 of this Title, or based on combustion in fuel substitution units operating in accordance with applicable technical requirements; - 376.4(a)(4)(i)
 - 2. ___ The treatment or disposal facility has used the methods ___ referenced in subparagraph (4)(I) of this subdivision to treat the organic constituents; and 376.4(a)(4)(ii)
 - 3. ___ The treatment or disposal facility may demonstrate ___ compliance with organic constituents if good-faith analytical efforts achieve detection limits for the regulated organic constituents that do not exceed the treatment standards specified in this subdivision by any order of magnitude - 376.4(a)(4)(iii).
- E. ___ For characteristic wastes (D001-D003, D012 - D043) that are ___ subject to treatment standards in the table "Treatment Standards for Hazardous Wastes", all underlying hazardous constituents have met the Universal Treatment Standards prior to land disposal - 376.4(a)(5).

VIII. Treatment Standards Expressed as Specified Technologies - 376.4(c)

- A. ___ Wastes identified in Table 1 of 376.4(a) titled "Treatment ___ Standards for Hazardous Wastes" for which the treatment standards are expressed as a treatment method have been treated using the specified technology or technologies - 376.4(c)(1).
- B. ___ The EPA Administrator and the commissioner have approved an ___ alternate treatment method. The approval is in writing and the TSD is in compliance with any provisions and conditions specified in this approval - 376.4(c)(2).
- C. ___ As an alternative to the otherwise applicable section 376.4 ___

treatment standards, lab packs are eligible for land disposal provided the following requirements are met: 376.4(c)(3).

1. ___ the lab packs comply with the applicable provisions of subdivision 373-2.14(1) and 373-3.14(i) of this Title; - 376.4(c)(3)(i) ___
2. ___ the lab pack does not contain any of the wastes listing in Appendix 38 - 376.4(c)(3)(ii). ___
3. ___ the lab packs are incinerated in accordance with the requirements of section 373-2.15 or 373-3.15 of this Title; and - 376.4(c)(iii) ___
4. ___ any incinerator residues from lab packs containing D004, D005, D006, D007, D008, D010 and D011 are treated in compliance with the applicable treatment standards specified for such wastes in section 376.4 - 376.4(c)(3)(iv). ___

IX. Treatment Standards Expressed as Waste Concentrations - 376.4(d)
(See 376.4(a), Item VII)

X. Variance From a Treatment Standard - 376.4(e)

1. ___ Each petition for a variance from a treatment standard has been submitted to the Commissioner in accordance with the procedures outlined in 6NYCRR Part 370.3(a) - 376.4(e)(2). ___
2. ___ Each petition includes the requirement certification - 376.4(e)(3). ___
3. ___ A treatment facility or disposal facility that is managing a waste covered by a variance from a treatment standard has complied with the waste analysis requirements for a restricted waste - 376.4(e)(6). ___
4. ___ During the petition review process, the applicant has complied with all restrictions on land disposal - 376.4(e)(7). ___
5. ___ Applications for a site-specific variance must include the information in 6NYCRR Part 370.3(a)(2) - 376.4(e)(9). ___
6. ___ The treatment facility or disposal facility managing a waste covered by a site-specific variance from a treatment standard has complied with the waste analysis requirements for a restricted waste - 376.4(e)(11). ___
7. ___ During the application review process, the applicant has complied with all restrictions on land disposal - 376.4(e)(12). ___

XI. PCB Disposal

- A. ___ All PCB wastes listed under Part 371 solely for their PCB content, are disposed of in accordance with the provisions of 40 CFR Part 761, except 376.1(f)(1). ___

1. ___ As listed in Part 371, waste B002, from any source other ___ than a spill, may not be stabilized or mixed with any substance to conform with any provision of 450 CFR Part 761 regarding land disposal - 376.1(f)(1)(i).

XII. Treatment Standards for Hazardous Debris - 376.4(g)

- A. ___ Hazardous debris has been treated, as follows, prior to land ___ disposal, unless it has been determined that the debris is no longer contaminated with hazardous waste, or that the debris has been treated to the waste - specific treatment standard for the waste contaminating the debris: 376.4(g)(1).

1. ___ General. Hazardous debris must be treated for each ___ "contaminant subject to treatment" defined in Item B. below using the technology or technologies identified in Table 1 - 376.4(g)(1)(i).
2. ___ Characteristic debris. Hazardous debris that exhibits ___ the characteristic of ignitability, corrosivity, or reactivity, must be deactivated by treatment using one of the technologies identified in Table 1 - 376.4(g)(1)(ii).
3. ___ Mixtures of debris types. The treatment standards of ___ Table 1 in this subdivision must be achieved for each type of debris contained in a mixture of debris types. If an immobilization technology is used in a treatment train, it must be the last treatment technology used - 376.4(g)(1)(iii).
4. ___ Mixtures of contaminant types. Debris that is ___ contaminated with two or more contaminants subject to treatment identified under Item B below must be treated for each contaminant using one or more applicable treatment technologies identified in Table 1 of this subdivision. If an immobilization technology is used in a treatment train, it must be the last treatment technology used - 376.4(g)(1)(iv).
5. ___ PCBs. Hazardous debris that is also a hazardous PCB ___ under Part 371 of this Title or a waste PCB under 40 CFR Part 761 (see subdivision 370.1(e)), is subject to the requirements of subdivision 376.4(f), 40 CFR Part 761 (see subdivision 370.1(e)), or the requirements of this subdivision, whichever are more stringent - 376.4(g)(1)(v).

- B. ___ Hazardous debris must be treated for each "contaminant ___ subject to treatment." The contaminants subject to treatment must be determined as follows: - 376.4(g)(1).

1. ___ Toxicity characteristic debris. The contaminants subject ___ to treatment for debris that exhibits the Toxicity Characteristic (TC) by subdivision 371.3(e) of this Title are those EP constituents for which the debris exhibits the TC toxicity characteristic - 376.4(g)(1)(i).
2. ___ Debris contaminated with listed waste. The contaminants ___

subject to treatment for debris that is contaminated with a prohibited listed hazardous waste are those constituents for which BDAT standards are established for the waste under subdivisions 376.4(b) and 376.4(d) - 376.4(g)(2)(ii).

3. ___ Cyanide reactive debris. Hazardous debris that is reactive due to the presence of cyanide must be treated for cyanide - 376.4(g)(2)(iii). ___

- C. ___ Hazardous debris which has been treated using one of the specified extraction or destruction technologies in Table 1 of this subdivision and which does not exhibit a characteristic of hazardous waste after treatment is not a hazardous waste and need not be managed in a Part 373 facility. Hazardous debris contaminated with a listed waste that is treated by an immobilization technology specified in Table 1 is a hazardous waste and must be managed in a Part 373 facility - 376.4(g)(3). ___

- D. ___ Treatment residuals must meet the following general requirements except as provided in Items 3 and 5 below: 376.4(g)(4)(i). ___
 1. ___ Residue from the treatment of hazardous debris must be separated from the treated debris using simple physical or mechanical means; and - 376.4(g)(4)(i)(a). ___
 2. ___ Residue from the treatment of hazardous debris is subject to the waste-specific treatment standards provide by section 376.4 of this Part for the waste contaminating the debris - 376.4(g)(4)(i)(b). ___
 3. ___ Residue from the deactivation of ignitable, corrosive, or reactive characteristic hazardous debris (other than cyanide-reactive) that is not contaminated with a contaminant subject to treatment defined by paragraph (2) of this subdivision, must be deactivated prior to land disposal and is not subject to the waste-specific treatment standards of section 376.4 of this Part - 376.4(g)(4)(ii). ___
 4. ___ Residue from the treatment of debris that is reactive due to the presence of cyanide must meet the standards for D003 under subdivision 376.4(d) - 376.4(g)(4)(iii). ___
 5. ___ Ignitable nonwastewater residue containing equal to or greater than 10 percent total organic carbon is subject to the technology-based standards for D001: "Ignitable Liquids based on subdivision 371.3(b)" under subdivision 376.4(c) - 376.4(g)(4)(iv). ___
 6. ___ Layers of debris removed by spalling are hazardous debris that remain subject to the treatment standards of this section - 376.4(g)(4)(v). ___